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qualification that the removal must be without the mortgagee's consent. *Jones v. North Pacific Fish & Oil Co.*, 42 Wash. 332; *Blythe v. Crump*, 28 Tex. Civ. App. 327. But the weight of authority holds consent to be immaterial. *Shapard v. Hynes*, 104 Fed. 449; *Cobb v. Buswell*, 37 Vt. 337.

CONSTITUTIONAL LAW — DUE PROCESS OF LAW — COMPELLING RAILROAD TO PAY FOR SIDE TRACKS. — A state railroad commission directed the defendant to construct a side track from its main line, across a public highway, to an adjoining stone quarry, on condition that the owner of the latter should do all the necessary grading on his land. *Held*, that the order of the commission should be affirmed. *State v. Chicago, M. & St. P. Ry. Co.*, 131 N. W. 859 (Minn.).

The common law recognizes that adequate shipping facilities in exceptional industries requiring bulk shipments necessitate private switches. *Olanita Coal Mining Co. v. Beech Creek R. Co.*, 144 Fed. 150. Statutes perhaps require railroads to permit connection to be made with other adjacent factories. WIS. STATS., 1898, § 1802. But statutes placing the entire cost of the siding on the railroad are unconstitutional, as taking private property without due process of law and without compensation. *Mays v. Seaboard Air Line Ry.*, 75 S. C. 455. See 20 HARV. L. REV. 494. If the entire expense cannot be placed on the railroad it would seem that to apportion the cost would be equally objectionable. *Northern Pacific Ry. Co. v. Railroad Commission*, 57 Wash. 134. In the principal case, the court argues that freight receipts will give sufficient compensation. But this overlooks the fact that charges are remuneration for carrying freight, and that shippers without private sidings would have to pay the same rates. *Cf. Chesapeake & Ohio Ry. Co. v. Standard Lumber Co.*, 174 Fed. 107, 112. The court justifies its decision also by the police power. Undoubtedly, by the exercise of the police power, a commission may require a railroad to provide adequate facilities. But the decision seems to go beyond such regulation in requiring the railroad to assume an obligation to receive goods beyond its established route.

CONSTITUTIONAL LAW — DUE PROCESS OF LAW — POWER TO FORBID WASTE OF UNDERGROUND WATER. — A state statute forbade landowners from drawing from artesian wells on their property unreasonable quantities of carbonated water, and from wasting the water as a means of collecting the gas contained therein for the purpose of vending it as a separate commodity. *Held*, that the statute does not constitute a deprivation of property without due process of law. *Lindsley v. Natural Carbonic Gas Co.*, 220 U. S. 61. See NOTES, p. 76.

CONSTITUTIONAL LAW — DUE PROCESS OF LAW — WORKMEN'S COMPENSATION ACTS. — A Washington statute provided that workmen injured in certain "extra hazardous" employments while in the course of employment, the injury not being wilful on the part of the employee, should recover a fixed compensation from an industrial insurance fund; this fund to be established by graded, yearly contributions from employees in the industries enumerated as "extra hazardous." *Held*, that the statute is constitutional and does not violate the "due process of law" clause in the constitution. *State ex rel. Davis-Smith Co. v. Clausen*, Wash., Sup. Ct., Sept. 27, 1911.

For a discussion of a New York case involving similar principles, see 24 HARV. L. REV. 647. It will be noticed that the Washington act goes beyond the New York act by creating an annual indemnity fund to which employers are compelled to contribute irrespective of the fact that there may be no injuries among the workmen of a particular contributor during the period over which any contribution extends.